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16 **UNITED STATES DISTRICT COURT**
17 **NORTHERN DISTRICT OF CALIFORNIA**

18 CHARLES P. HAGGARTY and GINA M.
19 HAGGARTY,

20 Plaintiffs,

21 vs.

22 WELLS FARGO BANK, N.A.,

23 Defendant.

24 Case No. CV 10-2416 CRB
25 CLASS ACTION

26 **STIPULATION AND [PROPOSED] ORDER**
27 **REGARDING AMENDED CLASS ACTION**
28 **COMPLAINT AND RESPONSIVE**
29 **PLEADINGS**

30 Date: November 12, 2010
31 Time: 10:00 a.m.
32 Place: Courtroom 8, 19th Floor

33 Complaint Filed: June 1, 2010

34 Honorable Charles R. Breyer

1 Plaintiffs Charles P. Haggarty and Gina M. Haggarty and Defendant Wells Fargo Bank, N.A.,
2 by and through their respective undersigned counsel, hereby stipulate, subject to Court approval, as
3 follows, concerning the scheduling of the filing of an Amended Class Action Complaint and briefing
4 thereon.

5 **RECITALS**

6 WHEREAS, on June 1, 2010, Plaintiffs Charles P. Haggarty and Gina M. Haggarty filed a
7 federal class action complaint (“Complaint”) against Defendant Wells Fargo Bank, N.A., Case No.
8 CV 10-2416 BZ;¹

9 WHEREAS, on July 15, 2010, Defendant Wells Fargo Bank, N.A. filed a motion to dismiss the
10 Complaint and the hearing is currently scheduled for November 12, 2010;

11 WHEREAS, on October 19, 2010, Defendant Wells Fargo Bank, N.A. agreed to take its
12 Motion to Dismiss off-calendar and to allow Plaintiffs Charles P. Haggarty and Gina M. Haggarty
13 leave to file an amended class action complaint by November 5, 2010; and

14 WHEREAS, the parties agree to the following briefing schedule: Defendant may file a
15 responsive pleading or motion by December 10, 2010, Plaintiffs Charles P. Haggarty and Gina M.
16 Haggarty may file an opposition brief by December 24, 2010, and Defendant may file a reply brief by
17 January 14, 2011. Hearing on any motion to dismiss will be set for January 28, 2011.

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27 ¹ On July 2, 2010, the action was reassigned to the Honorable Charles R. Breyer for all further
28 proceedings. (See Docket (“Dkt.”) No. 8.)

1 THEREFORE, IT IS HEREBY STIPULATED AND AGREED by Plaintiffs Charles P.
2 Haggarty and Gina M. Haggarty and Defendant Wells Fargo Bank, N.A., through their respective
3 counsel of record, as follows:

4 1. The November 12, 2010 hearing on Defendant's Motion to Dismiss will be taken off-
5 calendar.
6 2. Plaintiffs may file and serve an amended class action complaint by November 5, 2010.
7 3. Defendant may file and serve a responsive pleading or motion by December 10, 2010.
8 4. Plaintiffs may file and serve an opposition brief by December 24, 2010.
9 5. Defendant may file and serve a reply brief by January 14, 2011.
10 6. Hearing on any motion to dismiss shall be held on January 28, 2011.

11
12 DATED: October 20, 2010

BY: /s/ Nicole Lavallee

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9 *Attorneys for Plaintiffs Charles P. Haggarty and*
10 *Gina M. Haggarty*

11 DATED: October 20, 2010

12 BY: /s/ Jack R. Nelson

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25
26 *Attorneys for Defendant Wells Fargo Bank, N.A.*

27
28 I, Nicole Lavallee, am the ECF User whose ID and password was used to file this Stipulation
and [Proposed] Order Regarding Amended Class Action Complaint and Responsive Pleadings. In
compliance with General Order 45 ¶ X.B., I hereby attest that Jack R. Nelson, counsel for Defendant
Wells Fargo Bank, N.A., concurred in this filing and that I have on file all holograph signatures for any
signatures indicated by a “conformed” signature (/S/) within this efiled document.

29 DATED: October 20, 2010

30 /s/ Nicole Lavallee
31 Nicole Lavallee

ORDER

Pursuant to the Stipulation of the parties, IT IS HEREBY ORDERED AS FOLLOWS:

1. Defendant's November 12 hearing on its Motion to Dismiss is taken off-calendar.
2. Plaintiffs may file and serve an amended class action complaint by November 5, 2010.
3. Defendant may file and serve a responsive pleading or motion by December 10, 2010.
4. Plaintiffs may file and serve an opposition brief by December 24, 2010.
5. Defendant may file and serve a reply brief by January 14, 2011.
6. Hearing on any motion to dismiss shall be held on January 28, 2011.

Dated: October 21, 2010

